

DECLARATION FOR PATENT APPLICATION

Docket Number:

B-0103.27

As the below named inventors, we hereby declare that:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: AN AQUEOUS BASED ZIRCONIUM (IV) CROSSLINKED FRACTURING FLUID AND A METHOD OF MAKING AND USE THEREFOR, the specification of which is attached hereto unless the following box is checked:

☐ was filed on May 26, 2000 as United States Application Number or PCT International Application Number 09/579,658 and was amended on _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. §119 (a) – (d) or §365 (b) of any foreign application for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application

Prior Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

We hereby claim the benefit under 35 U.S.C. § 119 (e) of any United States provisional application listed below.

<u>60/136,102</u> (Application Number)	<u>May 26, 1999</u> (Filing Date)
_____ (Application Number)	_____ (Filing Date)

We hereby claim the benefits under 35 U.S.C. § 120 of any United States application or §365(c) of any PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Application Number)	_____ (Filing Date)	_____ (Status – patented,pending,abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status – patented,pending,abandoned)

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Christopher L. Makay, Reg. No. 34,475 and Albert J. Makay, Reg. No. 37,527

Direct all telephone calls to: Christopher L. Makay at (210) 472-3535

Address all correspondence to:

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio, Texas 78205

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

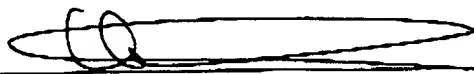
Full name of first joint inventor (given name, family name)

Ralph Moorhouse
(Inventor's signature)03/04/02
(Date)Houston, Texas
(Residence)U.S.A.
(Citizenship)P.O. Box 130147, Houston, Texas 77219
(Post Office Address)

Full name of second joint inventor (given name, family name)

Lester E. Matthews
(Inventor's signature)3/21/02
(Date)3700 Dentcrest, Midland, Texas 79707
(Residence)U.S.A.
(Citizenship)SAME AS RESIDENCE
(Post Office Address)CERTIFICATE OF EXPRESS MAIL

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Express Mail No. EV 040846955 Date: 26 March 2002
Makay

Form PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party (ies):

Ralph Moorhouse
Lester E. MatthewsAdditional name(s) of conveying party (ies) attached? NO Yes/ No

3. Nature of conveyance:

X Assignment Merger
 Security Agreement Change of Name
 Other

Execution Date: March 21, 2002

2. Name and address of receiving party (ies)

Name: Benchmark Research & Technology, Inc.Internal Address: Street Address: 4113 West IndustrialCity: Midland State: TX ZIP: 79703Additional name(s) & address (es) attached? NO Yes/ No

4. Application number (s) or patent number (s):

If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) 09/579,658Additional numbers attached? NO Yes/ No

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: CHRISTOPHER L. MAKAYInternal Address: 1634 Milam BuildingStreet Address: 115 East Travis StreetCity: San Antonio State: TX ZIP: 782056. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$ 40.00X Enclosed Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Christopher L. Makay

Name of Person Signing


Signature26 March 2002

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required coversheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

DOCKET#: B-0103.27

ASSIGNMENT

WHEREAS, WE, Ralph Moorhouse and Lester E. Matthews, citizens of the United States, having addresses of P.O. Box 130147, Houston, Texas 77219 and 3700 Dentcrest, Midland, Texas 79707, respectively, (hereinafter referred to as "Assignors") have invented certain new and useful improvements in AN AQUEOUS BASED ZIRCONIUM (IV) CROSSLINKED FRACTURING FLUID AND A METHOD OF MAKING AND USE THEREFOR, for which we have executed an application for Letters Patent of the United States, which was filed May 26, 2000 and assigned Application No. 09/579,658; and

WHEREAS, Benchmark Research & Technology, Inc., whose business address is 4113 West Industrial, Midland, TX 79703 (hereinafter referred to as "Assignee"), is desirous of obtaining the entire right, title and interest in, to and under the said improvement and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said Assignors, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner for Patents of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patents for said improvements to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

Assignors further assign to Assignee, its successors, assigns or other legal representatives, any and all claims for damages by reason of past and continuing infringement of said patents, and the right to sue for and collect the same for its own use and benefit and that of its successors, assigns or other legal representatives.

WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

WE HEREBY further covenant and agree that we will communicate to the said Assignee, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and generally do everything possible to aid the said Assignee, its successors, legal

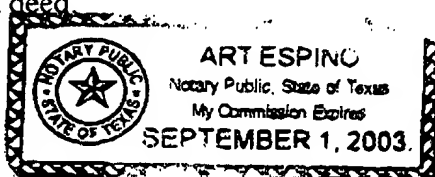
representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand this 4th day
of March, ~~2001~~ 2002

Ralph Moorhouse
Ralph Moorhouse

STATE OF TEXAS §
COUNTY OF HARRIS §

On this 4th day of MARCH, 200~~1~~², before me, a Notary Public, personally appeared Ralph Moorhouse, to me known to be the person of that name, who signed the foregoing instrument, and he acknowledge the same to be his free act and deed.



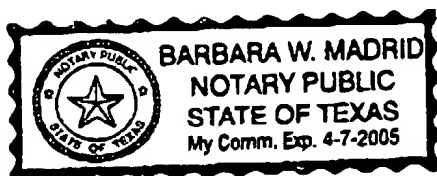
[Signature]
Notary Public, State of Texas
My Commission Expires: 9-1-03

IN TESTIMONY WHEREOF, I hereunto set my hand this 21st day of
March, ~~1999~~ 2002

Lester E. Matthews
Lester E. Matthews

STATE OF TEXAS §
COUNTY OF Midland §

On this 21st day of March, ~~2001~~ 2002, before me, a Notary Public, personally appeared Lester E. Matthews, to me known to be the person of that name, who signed the foregoing instrument, and he acknowledge the same to be his free act and deed.



Barbara W. Madrid
Notary Public, State of Texas
My Commission Expires: 4-7-2005